

PROFFER STATEMENT

REZONING: Case #RZ03-L-02
RA to R-4

PROPERTY: 90 Acres; Parcel Identification Numbers: 6889-54-9393-000, 6889-74-0648-000, and 6889-75-2303-000, Lee District, Fauquier County, Virginia

RECORD OWNERS: Lewis N. Springer and William F. Springer

PROJECT NAME (CURRENT): Fox Meadows

ORIGINAL DATE OF PROFFERS: April 9, 2003

The undersigned hereby proffer that the use of the above-described land shall be in conformance with the following conditions. In the event the rezoning requested above is not granted as requested by the applicant these proffers shall be null and void. The improvements/proffers offered herein shall be provided at the time of development of that portion of the property adjacent to or including the improvement or other proffered requirement unless otherwise specified herein. The proffers offered hereby shall transfer with the property to any future owners and successors in interest.

1. LAND USE:

- 1.1. Residential development on the Property shall not exceed 197 single-family dwelling units.
- 1.2. The proposed single-family detached subdivision shall be developed in general conformance with the Concept Development Plan (CDP) with modifications, as needed to address existing and future utility locations, right-of-way locations, wetlands issues, open space access, and stormwater management requirements

2. DEVELOPMENT PHASING:

- 2.1. That the proposed 197 lots will not be built out in less than six (6) years.
- 2.2. That the initial year of development (whenever that occurs) will not produce more than 33 building lots.
- 2.3. That the subsequent cumulative rate of development will not exceed 33 building lots per year.
- 2.4. That, while annual lot development need not be equally paced, no more than 66 lots will be produced in any single year, regardless of the pace of development in previous years.

3. BUFFERING:

- 3.1. A 50-foot landscaped buffer shall be maintained around the perimeter of the property with all adjoining land.
- 3.2. An exception to this buffer will be the approximately 400 feet on the southern edge of proposed lots 128 through 133 that adjoin land designated as open space in the adjoining Liberty Run subdivision.
- 3.3. The 50-foot buffer shall be outside of individual lots and shall be maintained by the homeowners association.

4. UTILITIES:

All dwelling units will be connected to Fauquier County Water and Sewer Authority (WSA) water and sewer service at the applicant's expense.

5. HOMEOWNERS ASSOCIATION:

A homeowners association will be created and shall be responsible for the maintenance and repair of all common areas not dedicated to public use, all buffer areas as referenced above, and any entrance features.

6. TRANSPORTATION:

- 6.1. The Applicant will dedicate right-of-way bordering Route 28 for the proposed road widening. This right-of-way dedication will extend 60 feet from the existing centerline of Route 28, sufficient to provide for VDOT requirements.
- 6.2. The Applicant will construct the on-site portions of a connector road as indicated in the Comprehensive Plan for the Bealeton Service District.
- 6.3. This road will begin as a 90-foot divided road for the first few hundred feet, continuing as a 70-foot road to an inter-parcel connection with the property currently identified by PIN: 6889-65-1209.

7. LAND DONATED TO COUNTY:

Applicant will donate approximately 2.77 acres of the tract to the county for recreational or other public use as determined by the County.

8. CASH PROFFERS

- 8.1. Applicant will contribute proffers with a total value of \$14,730 per lot for the 190 approved over the current by-right development potential. The total calculated value of these proffers is \$2,798,700.
- 8.2. The applicant is seeking credit toward this cash proffer for the approximate 2.77 acres donated for community use. This land has an average assessed value of \$15,683.
- 8.3. The applicant is also seeking a credit toward this cash proffer for upgrading subdivision roads to meet the standards required for a connector road as stipulated in the Comprehensive Plan. The value of this upgrade is calculated at \$173,000 based on constructing an additional 40 foot wide road for 500 feet and an additional 20 foot wide road for 1550 feet, equaling total additional road construction of 51,000 square feet.
- 8.4. The applicant is also seeking credit toward the cash proffer in the amount of \$177,320 for providing the landscaped buffer around the circumference of the property. This value has been calculated based on the landscaping of 8000 linear feet consisting of four canopy trees and seven understory trees per hundred linear feet.
- 8.5. Based on these requested credits, the applicant agrees to contribute a total cash proffer of \$2,432,697 to be paid upon issuance of each building permit in the amount of \$12, 804 per lot.